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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,077	03/16/2000	Richard Adams Gillaspy	1590P/P196	2423

29141 7590 03/29/2005

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EXAMINER	
ENG, DAVID Y	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/527,077	GILLASPY ET AL.	
	Examiner	Art Unit	
	DAVID Y. ENG	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *6 and 13* is/are allowed.

6)☒ Claim(s) *1-5, 7-12 and 14-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The active claims are 1-35.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-5, 7-12 and 14-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (USP 5,937,160) in view of Cheever (USP 6,275,882).

Details of the rejections have already been set forth in the last Office action. The details are incorporated herein by references thereto.

With respect to the bottom of page 16 of applicants' response, it appears that lines are missing.

With respect to the section 112, second paragraph rejection of claims 2 and 9, Applicants stated that claims 2 and 9 merely indicate how the server receives the attachments for comparison (page 17, first paragraph). Firstly, there is no server recited in claim 2 or in parent claim 1. Therefore, it is not clear what device receives the first type from the digital imaging device as recited in step (f) of claim 2. Secondly, claims 2 and 9 fails to recite that there is an attachment of first type in the system. Therefore, the digital imaging device is unable to send a first type attachment to the server as implied in claims 2 and 9 and argued by Applicants. Note that parent claims 1 and 8 merely recite digital imaging device would allow attachment of first type.

With respect to the remarks directed to the art rejection, Applicants agree that Davis taught a server for receiving e-message with attachment and that Davis' server only accepts attachment of the allowed type (first type) and rejects attachment of the not allowed type. This is exactly what is recited in claims 1-5, 6-12 and 15-16.The claims recite that the email message and the associated attachment are received by a server (claim 9 for example) from a sender (claim 2 for example) and that all the steps are performed by a server (claim 8 for example) and not by a digital imaging device. The portable digital imaging device was not recited to perform any operations. It is well known in email or network communication system that a server is for, among others, transferring emails between users like a post office. If the server does not allow it-self to receive attachment of any type other than first type, as a consequence, it would not send attachment of any type other than the allowed type to any recipients (digital imaging device, teaching of Cheever). As a further consequence, any recipient, including digital imaging device, would have the effect of not being allowed to receive any attachment except the type allowed by the server.

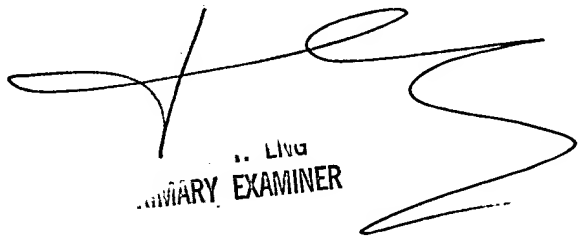
Claims 17-35 did not recite any server. Rather, the claims recite that a digital imaging device does not allow it-self to receive e-message with attachment except for the first type. It is well know in electronic communication art that a digital device could not receive or send message of any format except the type they are designed to receive or send. Davis taught an electronic device (server) that allows it-self to receive message of its type and not other type. It is well known that a digital imaging device (Cheever) is able to communicate via network. It would have been obvious to a person of ordinary

skill in the art to have a digital imaging device to allow it-self to receive or send message of the type it is designed for and not other type that it could not handle as taught by Davis so that the message could be properly processed by the recipient. No inventive concept, unexpected result or improvement is seen from the claims.

Claims 6 and 13 are allowed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



.. LING
...MARY EXAMINER